

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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**STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING**

**IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST**

**FINAL DECISION AND ORDER
WITH VARIANCE**

**NICKEA C. CONNOLLY, R.N.
RESPONDENT.**

0004219

DHA Case No. SPS-15-0021
DLSC Case No. 14 NUR 196

BACKGROUND

On June 30, 2015, Administrative Law Judge Jennifer Nashold (ALJ), Division of Hearings and Appeals, issued a Proposed Decision and Order (PDO) in the above referenced matter. The PDO was mailed to all parties. Objections to the PDO, or various parts of the PDO, were received from the Respondent as well as the Division of Legal Services and Compliance (Division). On August 13, 2015, the Board of Nursing (Board) met to consider the merits of the PDO as well as the objections filed by the Respondent and the Division. The Board voted to approve the PDO with variance. The PDO is attached hereto and incorporated in its entirety into this Final Decision and Order with Variance (Order).

VARIANCE

Pursuant to Wis. Stat. §§ 440.035(1) and 441.07, the Board is the regulatory authority and final decision maker governing disciplinary matters of those credentialed by the Board. The matter at hand is characterized as a class 2 proceeding pursuant to Wis. Stat. § 227.01(3). The Board may make modifications to a PDO, a class 2 proceeding, pursuant to Wis. Stat. § 227.46(2), provided the Board's decision includes an explanation of the basis for each variance.

In the present case, the Board adopts the PDO in its entirety except for the section titled, "Costs" found on pages five and six (5 and 6) of the PDO, as well as numbered paragraph four (4) found on pages eight and nine (8 and 9) of the PDO. Those sections and paragraphs are deleted and replaced with the following.

Costs

As a result of the Respondent being reprimanded and her license limited by the Board, the Board is vested with discretion concerning whether to assess all or part of the costs of this proceeding against the Respondent. Wisconsin Stat § 440.22(2) reads in part:

In any disciplinary proceeding against a holder of a credential in which the department or an examining board, affiliated credentialing board or board in the department orders suspension, limitation or revocation of the credential or reprimands the holder, the department, examining board, affiliated credentialing board or board may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder. . .

The above section does not require the Board to go through any particular analysis when determining whether to assess all or part of the costs of this proceeding against the Respondent. Nevertheless, guidance can be found in the following Wisconsin Court of Appeals Decision.

In *Noesen v. State Department of Regulation & Licensing, Pharmacy Examining Board.*, 2008 WI App 52, ¶¶ 30-32, 311 Wis. 2d 237, 751 N.W.2d 385, the Court opined,

Under WIS. STAT. § 440.22(2), the Board may, in its discretion, "assess all or part of the costs of the proceeding" against the licensee if the Board takes disciplinary action as a result. We give due weight to the Board's exercise of discretion. WIS. STAT. § 227.57(10). In reviewing the exercise of discretion, we look to determine whether the decision maker examined the relevant facts, applied the proper standard of law, and reached a reasonable conclusion. *Doersching*, 138 Wis. 2d at 328. Noesen contends the Board erroneously exercised its discretion by imposing the full costs against him in this case.

Here, the Board assessed costs because:

First, the Department of Regulation and Licensing is a "program revenue" agency, which means that the costs of its operations are funded by the revenue received from its licensees. Second, licensing fees are calculated based upon costs attributable to the regulation of each of the licensed professions and are proportionate to those costs. This budget structure means that the costs of prosecuting cases for a particular licensed profession will be borne by the licensed members of that profession. It is fundamentally unfair to impose the costs of prosecuting a few members of the profession on the vast majority of the licensees who have not engaged in misconduct. The cost of this proceeding should not be borne by or passed along to the other members of the profession who abide by the rules of practice and follow the law. Since [Noesen] is found to have engaged in unprofessional conduct, he should be held responsible for the full costs of this proceeding.

An exercise of discretion must be "based upon the relevant facts by applying a proper standard of law and represents a determination that a reasonable person could reach." *Verhaagh v. LIRC*, 204 Wis. 2d 154, 160, 554 N.W.2d 678 (Ct. App. 1996). We conclude that the Board failed to exercise its discretion because it gave no consideration to the facts of the case. By concluding only that the profession should not bear the costs, the Board has created a bright line rule that fails to account for any other factors—aggravating or mitigating. Indeed, imposing costs simply to prevent them from being passed on to others is a concern that would apply to any disciplinary proceeding. While the "program revenue" nature of the Department is one factor that may fairly be considered in the cost determination, the exercise of discretion contemplates more than application of a rigid rule or invocation of an omnipresent policy.

In addition to the above mandatory authority, the Board has also, in previous orders, considered the following factors when determining if all or part of the costs should be assessed against the Respondent.

- 1) The number of counts charged, contested and proven;
- 2) The nature and seriousness of the misconduct;
- 3) The level of discipline sought by the parties;
- 4) The respondent's cooperation with the disciplinary process;
- 5) Prior discipline, if any;
- 6) The fact that the Department is a "program revenue" agency, whose operating costs are funded by the revenue received from licensees, and the fairness of imposing the costs of disciplining a few members of the profession on the vast majority of licensees who have not engaged in misconduct; and
- 7) Any other relevant circumstances.

The Board notes that the above factors, while having been considered by the Board in past orders, are not a mandatory analysis for this Board. The Board utilizes the above list as factors the Board may consider, in part or in whole, when determining if costs should be assessed in part or whole.

Using the above Court of Appeal's case as guidance, with consideration of the rationale set out in the PDO, and considering the facts of this case, the Board determines that one hundred percent (100%) of the costs of this proceeding shall be assessed against the Respondent.

The Board finds particularly relevant the following facts. First, the Division proved every count it alleged. This is not a case where the Division wasted resources or incurred additional costs by alleging multiple counts and then failing to prove those counts. Second, the Respondent's Minnesota nursing

license was suspended and limited due to, among other things, the Respondent's use of marijuana, positive drug test for marijuana, and false information provided by the Respondent on her application for renewal of her nursing license in Minnesota (false information was related to her illegal use of marijuana). The Respondent then failed to comply with the limitations placed on her Minnesota nursing license which resulted in further suspension of her Minnesota license. Such conduct is serious and demonstrates that the Respondent has been resistant to rehabilitation. Third, as a result of the Respondent's serious conduct, the Division sought a reprimand and significant limitations on the Respondent's license to practice nursing in Wisconsin. Those limitations, at a minimum, will significantly impact the Respondent's practice of nursing and lifestyle, and will exist for no less than two (2) years. The level of discipline sought, and ultimately ordered by this Board, is significant and recognizes the general absence of mitigating factors in this case. Fourth, the Respondent was not entirely cooperative and timely with addressing this matter. The Respondent failed to timely answer the Complaint. Fifth, the Department of Safety and Professional Services is a program revenue agency, whose operating costs are funded by the revenue received from credential holders. As such, fairness weighs heavily in requiring the Respondent to pay the costs of this proceeding which resulted in significant discipline, rather than spreading the costs among all nurse licensees in Wisconsin. Finally, although the Respondent submitted objections to the level and terms of the discipline contained in the ALJ's PDO, the Respondent made no argument concerning whether costs should be assessed against her. When the Respondent fails to argue a position, the Board is not obliged to make the argument for her. The Board, having considered and weighed the above facts, finds that 100% of the costs of this proceeding shall be assessed against the Respondent.

4. Respondent shall pay one hundred percent (100%) of all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established,

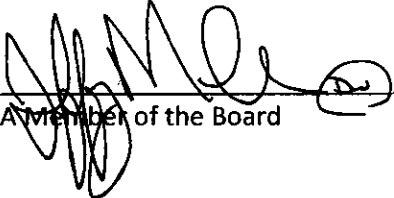
payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

EXPLANATION FOR VARIANCE

The ALJ's PDO assessed costs at seventy-five percent (75%). The Board feels strongly that 75% does not reflect its intention and is not an accurate representation of the Board's use of discretion. The Board considered Wis. Stat. § 440.22(2), along with the mandatory guidance contained in the above Wisconsin Court of Appeal Decision, and decided to vary the ALJ's PDO concerning costs.

Dated at Madison, Wisconsin this 27th day of August, 2015.

By:  A member of the Board



Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS

In the Matter of Disciplinary Proceedings Against
Nickea C. Connolly, R.N., Respondent

DHA Case No. SPS-15-0021
DLSC Case No. 14 NUR 196

PROPOSED DECISION AND ORDER

0004219

The parties to this proceeding for purposes of Wis. Stat §§ 227.47(1) and 227.53 are:

Nickea C. Connolly, R.N.
990 101st Street
Roberts, WI 54023

Wisconsin Board of Nursing
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services, Division of Legal Services and
Compliance, by

Attorney Amanda L. Florek
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

PROCEDURAL HISTORY

These proceedings were initiated on February 4, 2015, when the Department of Safety and Professional Services (Department), Division of Legal Services and Compliance (Division), filed and served a formal Complaint against Respondent Nickea C. Connolly, R.N. (Respondent), alleging that Respondent had disciplinary action taken against her license through final board adjudication in another jurisdiction.

Following expiration of the 20-day time period in which to file an Answer, on March 9, 2015, the undersigned Administrative Law Judge (ALJ) held a telephone prehearing conference, at which Respondent and the Division appeared. At the conference, the Division moved for default based on Respondent's failure to file an Answer to the Complaint. The Division's motion was denied and the ALJ gave Respondent until March 18, 2015 to file an Answer. Also during the prehearing conference, Respondent made statements regarding discipline but did not deny any of the allegations or violations in the Complaint. The ALJ asked the parties to file a Stipulation of Facts by March 18, 2015, if possible.

On March 16, 2015, the parties filed a Stipulation of Facts in which Respondent admitted to the facts and violations. On March 17, 2015, the ALJ issued a Scheduling Order which ordered the parties to file written submissions on the issues of discipline and costs. On March 18, 2015, Respondent provided the Division with an Answer to the Complaint, which the Division forwarded to the ALJ on March 19, 2015. In her Answer, Respondent again admitted the allegations. On April 17, 2015, the Division filed a recommended proposed decision and order. Respondent submitted a response to the Division on May 18, 2015, which the Division forwarded to the ALJ on May 19, 2015, and the Division filed a reply on May 26, 2015.

FINDINGS OF FACT

Findings of Fact 1-7 are taken from the parties' Stipulation of Facts filed in this matter.

1. Respondent Nickea C. Connolly, R.N. (DOB December 9, 1976), is licensed in the State of Wisconsin as a professional nurse, having license number 198002-30, first granted on October 8, 2013 and current through February 29, 2016.

2. Respondent's most recent address on file with the Department is 990 101st Street, Roberts, Wisconsin 54023.

3. On April 3, 2014, the Minnesota Board of Nursing (Minnesota Board) and Respondent entered into a Stipulation and Consent Order (Minnesota Order) based on the following facts:

- a. In 2011 and 2012, Respondent was counseled by her nursing supervisor regarding her use of sick time. Respondent's supervisor indicated Respondent's frequent absences affected her nursing performance.
- b. On December 12, 2012, the Minnesota Board received Respondent's registered nurse renewal application. Respondent answered "no" to whether she had ever violated any controlled substance law or had any illness which might impair her ability to practice nursing.
- c. On February 1, 2013, Respondent submitted a pre-employment toxicology drug screen for another nursing employer, which was later confirmed positive for marijuana.
- d. In Respondent's written response, received by the Minnesota Board on October 31, 2013, Respondent admitted she used marijuana in January and September 2013, but denied marijuana use before that time.
- e. During a November 6, 2013 conference with the Minnesota Review Panel, Respondent stated her extensive use of sick time in 2011 and 2012 was caused by her mental health symptoms, including depression, panic attacks, and anxiety. Respondent acknowledged she had used marijuana to "self-medicate" in response to these symptoms. Respondent admitted she had used marijuana as recently as two weeks before the conference, although Respondent also stated her mental health had improved since January 2013. The Review Panel directed Respondent to complete a

toxicology drug screen; Respondent complied and her specimen was positive for marijuana. The Review Panel concluded Respondent required monitoring of her mental health and her use of mood-altering substances.

4. The April 3, 2014 Minnesota Order suspended Respondent's license, but stayed the suspension. The order also required Respondent to:

- a. Submit self-reports;
- b. Submit reports verifying sobriety;
- c. Submit work reports from her supervisor;
- d. Enroll in the health professional services program (HPSP) within fourteen days of the order;
- e. Undergo a chemical dependency evaluation and comply with the evaluator's recommendations;
- f. Undergo a mental health evaluation by a psychologist or psychiatrist and comply with the evaluator's recommendations; and,
- g. Abstain from mood altering chemicals.

5. On August 7, 2014, the Minnesota Board conducted a hearing and evaluated Respondent's compliance with the terms of the April 3, 2014 Minnesota Order.

6. The Minnesota Board determined that Respondent violated the terms of the April 3, 2014 Order by failing to undergo the chemical dependency evaluation, failing to undergo the mental health evaluation and failing to participate in HPSP.

7. On August 13, 2014, due to her non-compliance, the Minnesota Board rescinded the April 3, 2014 Minnesota Order and immediately suspended Respondent's Minnesota license.

DISCUSSION AND CONCLUSIONS OF LAW

The Wisconsin Board of Nursing (Board) has jurisdiction over this matter pursuant to Wis. Stat. § 441.07. Following an investigation and disciplinary hearing, the Board may reprimand a registered nurse or may revoke, limit, suspend or deny a renewal of the nurse's license if the Board determines that the nurse has violated any statute under subchapter I of Chapter 441 of the Wisconsin Statutes or any administrative rule promulgated under that subchapter, or has committed misconduct or unprofessional conduct. Wis. Stat. § 441.07(1g)(b) and (d), respectively.¹

¹ The parties' stipulation includes a stipulation that Respondent is subject to discipline under this provision for conduct alleged in paragraphs 5-7 of the Findings of Fact. The stipulation further states that the conduct alleged in paragraphs 3-4 subjects Respondent to discipline under the statute as it existed prior to the statute's renumbering, effective December 21, 2013. However, the statute as renumbered, Wis. Stat. § 441.07(1g)(d), actually applies to all of the violations alleged as a result of the conduct in paragraphs 3-7 because at the time of both the Minnesota Board's April 3, 2014 and August 13, 2014 orders, Wis. Stat. § 441.07 was already renumbered. Although another amendment to the provision occurred following the Minnesota Board's April 3, 2014 order, effective April 9, 2014, that amendment did not affect the numbering or language at issue here.

Violations of Wisconsin Administrative Code

In the parties' March 16, 2015 stipulation, Respondent admitted that by the conduct described in paragraphs 3-4 of the Findings of Fact, she violated Wis. Admin. Code § N 7.04(7) (misconduct or unprofessional conduct) by having disciplinary action through final board adjudication taken against her license in another jurisdiction. She also admitted that by the conduct described in paragraphs 5-7 in the Findings of Fact, she violated Wis. Admin. Code § N 7.03(1)(b) by having disciplinary action through final board adjudication taken against her license in another jurisdiction.²

As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 441.07(1g)(b) and (d).

Discipline

The three purposes of discipline are: (1) to promote the rehabilitation of the licensee; (2) to protect the public from other instances of misconduct; and (3) to deter other licensees from engaging in similar conduct. *State v. Aldrich*, 71 Wis. 2d 206, 237 N.W.2d 689 (1976).

The Division asserts that as a result of Respondent's conduct, she should be reprimanded and her nursing license should be limited for at least two years. The limitations requested include: (1) drug testing at 49 times a year; (2) enrollment in and compliance with a drug monitoring program which is approved by the Department; (3) abstaining from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition; (4) providing a copy of the final order in this case to all employers before engaging in employment; (5) practicing only in Wisconsin pursuant to the Uniform Nurse Licensure Compact during the pendency of all limitations; (6) undergoing an assessment by a mental health care provider preapproved by the Board and experienced in evaluating health care practitioners' fitness for duty; and (7) obtaining an AODA assessment with an evaluator preapproved by the Board and complying with all requirements of the AODA assessment.

Respondent requests that she be required to submit to drug testing for only one year and that the testing only occur ten times during that one-year period. She further requests that any fitness for duty evaluation be done by her primary physician who she has been seeing and who is familiar with her medical conditions. Respondent contends that her mental health issues were completely situational and environmental and are no longer present. She states that she was working in a Minnesota prison with inmates who harassed her daily and that she received threats when she reported a sexual relationship between an inmate and a co-worker. She further states that she is currently employed in two nursing positions and that she submitted to two pre-employment drug tests after the Minnesota conduct at issue, which were negative. She also asserts that at the time she used marijuana in Minnesota, she was not working as a nurse, and that she did not "self-medicate," as was indicated in the parties' stipulation and adopted in the

² The administrative rule which contained the applicable violation changed, effective August 1, 2014. Thus, with respect to the Minnesota Board's April 3, 2014 Order, Wis. Admin. Code § N 7.04(7) applies, whereas for the Minnesota Board's August 13, 2014 Order, Wis. Admin. Code § N 7.03(1)(b) applies.

Findings of Fact, above.³ She states that she did not comply with the Minnesota Board's initial order because she did not agree with the severity of the discipline imposed and did not have the money to complete the required therapies, assessments and drug screens because she did not have a job at the time the ordered terms went into effect.

I conclude that the discipline recommended by the Division is appropriate in this case. While in Minnesota, Respondent tested positively for marijuana during a pre-employment screening and admitted to using marijuana in January and September of 2013 and two weeks prior to a November 6, 2013 conference with the Minnesota Review Panel. She had frequent absences from her work as a nurse in 2011 and 2012 which she stated were due to mental health issues. Respondent stipulated to the Minnesota Order which suspended her license to practice nursing but stayed the suspension contingent upon Respondent's compliance with the terms and limitations of the order. Respondent failed to comply with the Minnesota Order, by failing to undergo a chemical dependency evaluation, failing to undergo a mental health evaluation and failing to participate in the health professional services program. Respondent's nursing license was therefore immediately suspended in Minnesota.

Respondent's rehabilitation and the protection of the public require a two-year period of drug testing and monitoring at the frequency requested by the Division. In addition, as pointed out by the Division, it is necessary to have the fitness for duty evaluation performed by an objective professional approved by the Board, with expertise in conducting such evaluations.

I also note that the discipline in this case is consistent with prior Board decisions. *See In the Matter of Disciplinary Proceedings Against Rachel A. Weese, R.N.*, Order No. 0003529 (Nov. 13, 2014); *In the Matter of Disciplinary Proceedings Against Catherine Stoehr, L.P.N.*, Order No. 0003395 (Sept. 11, 2014); and *In the Matter of Disciplinary Proceedings Against Tammy R. Finley, LP.N., R.N.*, Order No. 0003733 (Feb. 2, 2014). All three of these cases involved nurses who tested positive for marijuana on one occasion during pre-employment drug screens. All three nurses were reprimanded and had their licenses limited for a period of two years, with limitations similar to those imposed here. The nurses in *Weese* and *Stoehr* were ordered to be drug tested 49 times per year, whereas the nurse in *Finley*, who stated she used marijuana for pain relief after running out of medication for her back pain, was required to be tested 28 times per year. None of these nurses were disciplined in other states, nor did they ignore the requirements imposed by a Board's order in another state. Moreover, the nurses in these cases did not have the mental health issues which are evident here.

Based on prior Board decisions, the facts of this case, and the criteria in *Aldrich*, a reprimand and the license limitations set forth in the Order section below are appropriate.

Costs

The Division has the authority to assess costs pursuant to Wis. Stat. § 440.22. With respect to imposition of costs, factors to consider include: (1) the number of counts charged, contested and proven; (2) the nature and seriousness of the misconduct; (3) the level of discipline sought by the prosecutor; (4) the cooperation of the respondent; (5) any prior discipline; and (6) the fact that the Department is a program revenue agency, funded by other licensees. *See In*

³ In imposing discipline and costs in this matter, I do not take into account any statement with respect to self-medicating.

the Matter of Disciplinary Proceedings against Elizabeth Buenzli-Fritz, Order No. LS 0802183 CHI (Aug. 14, 2008).

The Division requests that Respondent be ordered to pay the full costs of its investigation and of these proceedings. I conclude that imposition of 75 percent of the costs on Respondent is appropriate. Although the Division has proven the counts it alleged, and Respondent's conduct is serious, I note that the discipline sought by the Division -- a reprimand with limitations on Respondent's license -- is almost the lowest level of discipline available. In addition, Respondent has cooperated in these proceedings, appearing at the scheduled prehearing conference, providing required submissions in a timely manner, and admitting the violations up front. However, Respondent has previously been disciplined in Minnesota and did not comply with the Minnesota Board's orders. In addition, any costs not borne by Respondent will be borne by other members of her profession who have not engaged in misconduct.

In light of the factors in *Buenzli-Fritz* and the circumstances of this case, I conclude that Respondent should pay 75 percent of the costs of these proceedings.

ORDER

Accordingly, it is hereby ORDERED:

1. Respondent Nickea C. Connolly, R.N., is REPRIMANDED.
2. The license issued to Respondent to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is LIMITED as follows:
 - a. For a period of at least two years from the date of this Order:
 - i. Respondent shall enroll and participate in a drug monitoring program which is approved by the Department (Approved Program).
 - ii. At the time Respondent enrolls in the Approved Program, Respondent shall review all of the rules and procedures made available by the Approved Program. Failure to comply with all requirements for participation in drug monitoring established by the Approved Program is a substantial violation of this Order. The requirements shall include:
 1. Contact with the Approved Program as directed on a daily basis, including vacations, weekends and holidays.
 2. Production of a urine, blood, sweat, fingernail, hair, saliva or other specimen at a collection site designated by the Approved Program within five hours of notification of a test.
 3. The Approved Program shall require the testing of specimens at a frequency of not less than 49 times per year,

for the first year of this Order. After the first year, Respondent may petition the Board on an annual basis for a modification of the frequency of tests. The Board may adjust the frequency of testing on its own initiative at any time.

- iii. Respondent shall abstain from all personal use of controlled substances as defined in Wis. Stat. § 961.01(4), except when prescribed, dispensed or administered by a practitioner for a legitimate medical condition. Respondent shall disclose her drug history and the existence and nature of this Order to the practitioner prior to the practitioner ordering the controlled substance. Respondent shall at the time the controlled substance is ordered immediately sign a release in compliance with state and federal laws authorizing the practitioner to discuss Respondent's treatment with, and provide copies of treatment records to, the Board or its designee. Copies of these releases shall immediately be filed with the Department Monitor.
- iv. Respondent shall report to the Department Monitor all prescription medications and drugs taken by Respondent. Reports must be received within 24 hours of ingestion or administration of the medication or drug, and shall identify the person or persons who prescribed, dispensed, administered or ordered said medications or drugs. Each time the prescription is filled or refilled, Respondent shall immediately arrange for the prescriber or pharmacy to fax and mail copies of all prescriptions to the Department Monitor.
- v. Respondent shall provide the Department Monitor with a list of over-the-counter medications and drugs that she may take from time to time. Over-the-counter medications and drugs that mask the consumption of controlled substances, create false positive screening results, or interfere with Respondent's treatment and rehabilitation, shall not be taken unless ordered by a physician, in which case the drug must be reported as described in the paragraph 2(a)iv.
- vi. All positive test results are presumed valid and may result in automatic suspension of licensure by the Board or the Board's designee. Respondent must prove by a preponderance of the evidence an error in collection, testing, fault in the chain of custody or other valid defense.
- vii. If any urine, blood, sweat, fingernail, hair, saliva or other specimen is positive or suspected positive for any controlled substances, Respondent shall promptly submit to additional tests or examinations as the Board or its designee shall determine to be appropriate to clarify or confirm the positive or suspected positive test results.

- viii. Respondent shall provide a copy of this Final Decision and Order and all other subsequent orders immediately to supervisory personnel at all settings where Respondent works as a nurse or care giver or provides health care, currently or in the future.

3. Respondent's license to practice nursing in the State of Wisconsin, and her privilege to practice in Wisconsin pursuant to the Nurse Licensure Compact, is further LIMITED as follows:

- a. Within 60 days from the date of this Order, Respondent must, at Respondent's own expense, undergo an assessment by a mental health care provider experienced in evaluating health care practitioners' fitness for duty.
 - i. The provider performing the assessment must not have treated Respondent and shall have been approved by the Board or its designee prior to the evaluation being performed; and
 - ii. Within 15 days of the completion of the assessment, a written report regarding the results of the assessment shall be submitted to the Department Monitor at the address below.
 - iii. Respondent must comply with all recommendations of the provider.
- b. Within 60 days from the date of this Order, Respondent must, at her own expense, complete an AODA assessment.
 - i. The provider performing the assessment must not have treated Respondent and shall have been approved by the Board or its designee prior to the evaluation being performed; and,
 - ii. Within 15 days of completing the assessment, a written report regarding the regarding the results of the assessment shall be submitted to the Department Monitor at the address below.
 - iii. Respondent must comply with all recommendations of the provider.

4. Respondent shall pay 75 percent of all recoverable costs in this matter in an amount to be established, pursuant to Wis. Admin. Code § SPS 2.18. After the amount is established, payment shall be made by certified check or money order payable to the Wisconsin Department of Safety and Professional Services and sent to:

Department Monitor
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

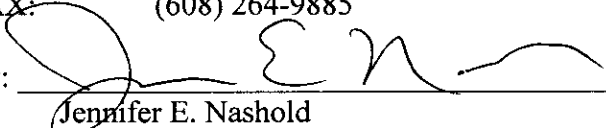
5. The terms of this Order are effective the date the Final Decision and Order is signed by the Board.

6. IT IS FURTHER ORDERED that the above-captioned matter is hereby closed as to Respondent Nickea C. Connolly, R.N..

Dated at Madison, Wisconsin on June 30, 2015.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By: _____


Jennifer E. Nashold
Administrative Law Judge